

**Back Pay for Jackie Fisher:**

Attached is the following information:

1. Spreadsheet reflecting back pay amounts based on hours worked or accruals paid  
1<sup>st</sup> Payment – Amt. \$3,907.41 paid on 3/30/07 check – Time period 5/5/06 – 12/15/06  
2<sup>nd</sup> Payment – Amt. \$1,635.20 paid on 5/11/07 check – Time period 12/16/06 – 3/23/07  
Total back amt. was \$5,542.61.  
The back pay was based on the difference of \$2.92 between her previous salary as an Nurse Manager and the pay she received between 5/6/06 and 3/23/07 as an Assistant Nurse Manager.
2. Market adjustment for nursing processing effective 3/24/07, however, Ms. Fisher was not originally included in all market adjustment since the final decision had not been made by the time we processed the market adjustments. Her salary was corrected on 4/14/07 to give her the market adjustment so her regular was correct. We owed her the difference in her pay for the market adjustment for the previous pay period effective 3/24/07 (one 1 pay period). This payment was included on the 4/27/07 paycheck for the amount of \$219.76

EXHIBIT

**D-70**

CA 4:08-cv- 01273

UTMB-2254

Person #	Name	Position Number	Dept. #	Combo Code	Job Code	% of Time	Eff. Date	Pay Week	Hours	Type of Hrs.	Difference in Pay Rate	Am't Due
153966	Fisher, Jacklyn	12646	163590	C16629	C1031	100	5/6/2006	5/6/06 - 5/19/06	61	FSL	2.92	178.12
									18	FHL	2.92	23.36
								5/20/06 - 6/02/06	11	FVA	2.92	32.12
									72	FVA	2.92	210.24
								6/03/06 - 6/16/06	8	FHL	2.92	23.36
									72	FVA	2.92	210.24
								6/17/06 - 6/30/06	8	FSL	2.92	23.36
									18	FHL	2.92	23.36
									18	FVA	2.92	23.36
								7/1/06 - 7/14/06	64	REG	2.92	186.88
									64	REG	2.92	186.88
									28	HOL	2.92	23.36
									28	SLE	2.92	23.36
								7/15/06 - 7/28/06	79.5	REG	2.92	232.14
									AD5	VAC	2.92	1.46
								7/29/06 - 8/11/06	80	REG	2.92	233.6
								8/12/06 - 8/25/06	64	REG	2.92	186.88
									15.25	VAC	2.92	44.53
									24	OCW	3.00	72.00
								8/26/06 - 9/8/06	40	OCW	2.50	100.00
									64	REG	2.92	186.88
								8/29/06 - 9/12/06	8	SLE	2.92	23.36
								8/29/06 - 9/12/06	72	REG	2.92	210.24
								9/23/06 - 10/6/06	18	SLE	2.92	23.36
								10/7/06 - 10/20/06	80	REG	2.92	233.6
								10/21/06 - 11/03/06	80	REG	2.92	233.6
									21	REG	2.92	207.32
									4	VAC	2.92	2.92
								11/04/06 - 11/17/06	18	CA	2.92	23.36
									71.25	REG	2.92	208.05
								11/18/06 - 12/01/06	18.75	VAC	2.92	25.55
									64	REG	2.92	186.88
								12/02/06 - 12/15/06	16	VAC	2.92	46.72
									74.25	REG	2.92	216.81
								12/16/06 - 12/29/06	15.75	VAC	2.92	46.73
									42.75	REG	2.92	124.83
									10.75	HOL	2.92	31.39
									24	VAC	2.92	70.08
									2.5	SL	2.92	7.30
								12/30/06 - 1/12/07	72	REG	2.92	210.24
									8	HOL	2.92	23.36
								1/13/07 - 1/26/07	52	REG	2.92	151.84
									24	HOL	2.92	70.08
									4	VAC	2.92	11.68
								1/27/07 - 2/09/07	63.5	REG	2.92	185.42



## MANAGED CARE

301 University Boulevard (mailing address)  
Galveston, Texas 77555-1008  
Telephone: (409) 747-2600  
Fax: (409) 762-0311



John S. Pemberton, SPHR  
Director of Human Resources

3/9/2007

Ms. Jackie Fisher  
1150 FM 2296 Road  
Huntsville, TX 77340

Dear Ms. Fisher:

This letter is to notify you of UTMB's resolution of your complaint of racial discrimination and retaliation filed in April 2006. You will receive back pay from May 6, 2006 through December 15, 2006. The amount of your payment will be \$3,907.41, before taxes. This will be processed through regular payroll and should appear on your statement of earnings for 3/30/07.

Sincerely,

John S. Pemberton

cc: M. Williams  
M. Gotcher  
S. Rader  
J. Allen  
K. Shingleton

Suite 917 U.S. National Bank Building, 2201 Market Street (location)

UTMB-2257

EmpID: 153966		Name: Fisher, Jacklyn L		Regular	
Company: UTM		Pay Group: 40H		Pay Period End: 03/23/2007	
Page: 327		Line: 10		Separate Check:	
Paycheck Information		Paycheck Status: Confirmed		Paycheck Option: Advice	
Issue Date: 03/30/2007		Paycheck Number: 595692		Paycheck Totals	
Off Cycle		Reprint		Earnings: 6,420.94	
Corrected Date:		Adjustment		Corrected	
Cashed					

  

Find   View All		First	4	2 of 7	Last
Reason: Not Specified					
Additional Data					

  

Salaried		Hourly		Overtime	
Hours:	0.00	Hours:	0.00	Hours:	0.00
Rate:	2.920000	Rate:	0.000000	Rate:	0.000000
Earnings:	0.00	Earnings:	0.00	Earnings:	0.00
Rate Code:		Rate Code:		Rate Code:	

  

Rate Used: Hourly Rate		Shift: N/A		Shift Rate:	
State: TX		Locality:		FLSA Rate:	

  

Other Earnings		Customize   Find   View All		First	4	1-5 of 6	Last
Other Earnings Details 1		Other Earnings Details 2					
Code	Description	Rate Used	Hours	Rate	Amount		
XHP	Historical Holiday	Hourly Rate	40.00	2.920000	116.80		
XNP	Historical Non-Productive Leave	Hourly Rate	8.00	2.920000	23.36		
XRG	Historical Regular	Hourly Rate	928.00	2.920000	2709.76		
XSL	Historical Sick Leave	Hourly Rate	93.00	2.920000	271.56		
XVA	Historical Vacation	Hourly Rate	210.25	2.920000	613.93		

<b>EmpID:</b> 153966		<b>Name:</b> Fisher, Jacklyn L		<b>Regular</b>																			
<b>Company:</b> UTM		<b>Pay Group:</b> 40H		<b>Pay Period End:</b> 03/23/2007																			
<b>Page:</b> 327		<b>Line:</b> 10		<b>Separate Check:</b>																			
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0	0																						



UTMB-2260

Paycheck Earnings

EmpID: 153966      Name: Fisher, Jacklyn L      Regular

Company: UTM      Pay Group: 40H      Pay Period End: 05/04/2007      Page: 329      Line: 9      Separate Check:

Paycheck Information

Paycheck Status: Confirmed      Paycheck Option: Advice

Issue Date: 05/04/2007      Paycheck Number: 626631

Off Cycle      Reprint      Adjustment      Corrected      Cashed

Corrected Date:

Paycheck Totals	
Earnings:	4,861.96

Earnings

Find | View All | First | 3 of 3 | Last

Begin Date: 04/21/2007      End Date: 05/04/2007      Add Line #: 3      Reason: Not Specified

Employment Record      0      Benefit Record      0      Number:

Additional Data

Salaried		Hourly		Overtime	
Hours:	0.00	Hours:	0.00	Hours:	0.00
Rate:	2.920000	Rate:	0.000000	Rate:	0.000000
Earnings:	0.00	Earnings:	0.00	Earnings:	0.00
Rate Code:		Rate Code:		Rate Code:	

Rate Used: Hourly Rate      Shift: N/A      Shift Rate:

State: TX      Locality:

FLSA Rate:

Other Earnings

Other Earnings Details 1 | Other Earnings Details 2 |

Code	Description	Rate Used	Hours	Rate	Amount
XHL	Historical Holiday	Hourly Rate	64.00	2.920000	186.88
XRG	Historical Regular	Hourly Rate	374.25	2.920000	1,092.81
XSL	Historical Sick Leave	Hourly Rate	48.00	2.920000	1,401.60
XVA	Historical Vacation	Hourly Rate	73.75	2.920000	2,153.50

Special Accumulators

Customize | Find | View All | First | 1-2 of 2 | Last



Paycheck Data

Paycheck Earnings | Paycheck Taxes | Paycheck Deductions

EmpID: 153966 Name: Fisher,Jacklyn L  
 Company: UTM Pay Group: 40H Pay Period End: 04/20/2007 Page: 328 Line: 9 Separate Check:

Paycheck Information

Paycheck Status: Confirmed Paycheck Option: Advice  
 Issue Date: 04/27/2007 Paycheck Number: 614656  
 Off Cycle Reprint Adjustment Corrected Cashed

Paycheck Totals

Earnings: 3,186.52  
 Taxes: 700.06  
 Deductions: 209.34  
 Net Pay: 2,277.12

Find | View All First 1 2 of 3 Last

Additional Data

Begin Date: 03/24/2007 End Date: 04/06/2007 Addl Line #: 2 Reason: Not Specified  
 Employment Record Number: 0 Benefit Record Number: 0

Salaries

Hours: 0.00  
 Rate: 37.084500  
 Earnings: 0.00

Hourly

Hours: 0.00  
 Rate: 0.000000  
 Earnings: 0.00  
 Rate Code:

Overtime

Hours: 0.00  
 Rate: 0.000000  
 Earnings: 0.00  
 Rate Code:

Rate Used: Hourly Rate Shift: N/A Shift Rate:  
 State: TX Locality:

Other Earnings

Other Earnings Details 1 Other Earnings Details 2

Code	Description	Rate Used	Hours	Rate	Amount
RNP	Retro NonProductive Leave	Hourly Rate			
RRP	Retro Regular Pay	Hourly Rate			

219.76 23.95 175.81

Special Accumulators

Code	Description	Hours	Earnings	Empl Rcd #
RET	Retirement	80.00	3,186.52	0
WCI	Workers Compensation Insurance	80.00	3,186.52	0